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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/580,493 12/29/95 BERNA

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EXAMINER

32M1/1215

PHILLIPPE JEAN HENRI BERNA

MAS LIOTARD LES BROUSSES

F 30410

MOLIERES SUR CEZE

FRANCE

HUGHES, S

ART UNIT

PAPER NUMBER

3206

43

AIR MAIL

DATE MAILED: 12/15/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on Jan 14, 1997

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11, 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
☐ Claim(s) _____ is/are allowed.
☒ Claim(s) 1-18 is/are rejected.
☐ Claim(s) _____ is/are objected to.
☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☒ received in Application No. (Series Code/Serial Number) 07/938,211
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
☐ Interview Summary, PTO-413
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

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Preliminary Matters

1. In accordance with the decision on petition mailed on November 7, 1997 (paper No. 42), this office action takes into account applicant's response received January 14, 1997. It should be noted here that the decision incorrectly identified applicant's response as being dated January 17, 1997. The mail room date for the response is January 14, 1997 and was deposited with the U.S. postal service as priority mail on January 11, 1997.

2. This office action is based on the following: claims 1-6, 9, 10 and 12-18 filed by fax on March 21, 1996; claims 7, 8 and 11 filed in applicant's letter dated June 10, 1995; the substitute specification filed September 5, 1995 (which has been entered); drawing sheets 1-3 as originally filed; drawing sheet 4 filed September 5, 1995 (approved). These claims and specification, although they may not be in proper format, are being entered for the purpose of facilitating prosecution of this pro se case.

Drawings

3. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office action. The early submission of formal drawings will permit the Office to review the drawings for acceptability

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1 and to resolve any informalities remaining therein before the application is passed
2 to issue. This will avoid possible delays in the issue process.

3
4 ***Specification***

5 4. The substitute specification filed September 5, 1995 is objected to because
6 many phrases are not in proper idiomatic English. For instance, the sentence
7 bridging lines 31 and 32 of page 2 the specification ("Therefore, the new
8 clamp...what cannot do prior art clamps...") reads awkwardly and is not written in
9 proper idiomatic English. Also, at page 2, the sentence bridging lines 42 and 43,
10 "One at least of said two arms..." is awkward, confusing and not written in proper
11 idiomatic English. Correction of all such instances of improper use of the English
12 language in the specification, the number of which is too great to list individually,
13 is required.

14
15 ***Claim Rejections - 35 USC § 112***

16 5. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as containing
17 subject matter which was not described in the specification in such a way as to
18 enable one skilled in the art to which it pertains, or with which it is most nearly
19 connected, to make and/or use the invention. Particularly, it is not clear how the

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1 invention can work if a buffer is secured to only one of the arms as in claims 1
2 and 2.

3 6. Claims 12-15 are rejected under 35 U.S.C. 112, first paragraph, as
4 containing subject matter which was not described in the specification in such a
5 way as to reasonably convey to one skilled in the relevant art that the inventor(s),
6 at the time the application was filed, had possession of the claimed invention.
7 Specifically, the support part being made of several parallel beams" is not
8 supported by the original specification (cl. 12). Also, the buffer being split up into
9 several pieces is not supported by the original specification (cl. 13, 14). In
10 addition, the connection between each of the arms and the support part being
11 made by a stirrup is not supported by the specification as originally filed (cl. 15).

12 7. Claims 1-18 are rejected under 35 U.S.C. § 112, second paragraph, as
13 being indefinite for failing to particularly point out and distinctly claim the subject
14 matter which applicant regards as the invention.

15 In claim 1, step "b", the wording "one at least" should read --at least one--
16 in order to clarify that Applicant intends at least one of the arms to be movable,
17 not one of the arms to be at least movable (this same type of problem is seen
18 throughout the claims where the phrase "at least one" is used). Further, it is not
19 clear what is meant by "a so large thickness..." in step "c". These same problems
20 are seen in claims 2 and 16.

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✓ 1 In claim 3, "said at least one substantially elastic buffer" lacks proper
2 antecedent basis.

3 In claim 4, the language "so that they could overlap" is vague and
X 4 indefinite. In general, the wording in this claim is vague, indefinite and confusing
5 (e.g. "each of all of said arms"; "the buffers of two first of said four arms";
6 "[could have their contact faces...").

X 7 In claim 7, "said two arms that are movable" lack proper antecedent basis.

X 8 In claim 15, it is not clear what a stirrup is.

X 9 In claim 16, lines 6 and 7, "said method for holding objects by clamping
10 without any risk at all of damaging" lacks proper antecedent basis.

11 In claim 17, line 3, "said movable arm" lacks proper antecedent basis (it
12 should read --said at least one movable arm--). See also "said arm" at line 5. In
X 13 step (e), "said arms" lack proper antecedent basis. The same problems are seen in
X 14 claim 18, all instances of which must be corrected.

15
16 ***Claim Rejections - 35 USC § 103***

17 8. The text of those sections of Title 35, U.S. Code not included in this action
18 can be found in a prior Office action.

19 9. Claims 1-3 and 11-16 are rejected under 35 U.S.C. § 103 as being
20 unpatentable over Neff in view of Thornton.

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1 Neff teaches a device for clamping objects comprising a cylindrical support
2 10 on which is mounted a first arm 12 and a second arm 14,16. The arms can
3 slide along the support and are able to rotate thereabout. Neff, however, does not
4 teach fitting the arms with elastic buffers at their ends.

5 Thornton teaches fitting the arms of a clamp structure with rubber clamping
6 pads at their ends.

7 It would have been obvious to one of ordinary skill in the art, at the time of
8 invention, to provide the clamping arms of Neff with elastic pads, in light of the
9 teachings of Thornton, in order to protect the object being clamped. Note that the
10 contact faces of Neff are at right angles to the support part and that the pads
11 taught by Thornton can be considered rings which cover the end of each arm.

12 The arms of Neff are manually moved into contact with the object being
13 held and are then released so as to lock each of the arms by tilting them against
14 the support part. Note that the support part of Neff can be considered to be made
15 of several beams connected together by couplers as claimed in claim 11 and that
16 the elastic buffer can be considered to be split up into pieces.

17 10. Claims 4-6 are rejected under 35 U.S.C. § 103 as being unpatentable over
18 Neff in view of Thornton as applied to claims 1-3 and 11-16 above, and further in
19 view of the EPO 0080960 patent to Berna.

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1 Neff in view of Thornton teach the invention except for additional sets of
2 movable arms placed on the support part.

3 Berna, in figure 3 of the EPO patent, teaches providing a support part of a
4 clamping device with multiple sets of movable arms.

5 It would have been obvious to one of ordinary skill in the art, at the time of
6 invention, to provide the support part of Neff/Thornton with additional movable
7 arms, in light of the teachings of Berna, in order to be able to hold more than one
8 object at a time. Note that one of ordinary skill would be fully capable of adding
9 additional sets (more than two) of movable arms to the support part, depending on
10 the number of objects being held.

11 11. Claim 7 is rejected under 35 U.S.C. § 103 as being unpatentable over Neff
12 in view of Thornton as applied to claims 1-3 and 11-16 above, and further in view
13 of Ditto.

14 Neff in view of Thornton teach the invention except for an end of the
15 support part being fitted with a removable stop.

16 Ditto teaches providing a support part in a clamp with an end cap 32.

17 It would have been obvious to one of ordinary skill in the art, at the time of
18 invention, to provide the support part of Neff/Thornton with an end cap, in light of
19 the teachings of Ditto, in order to protect the users hand. Note that the end cap
20 of Ditto can function as a stop and is removable from the support part.

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Allowable Subject Matter

12. Claims 8, 9, 10, 17 and 18 would be allowable for the reasons cited in paper #16 relating to previous claims 8, 9, 13 and 14 if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

Contact Information

13. Documents related to the instant application may, during prosecution within the group, be submitted to the Group 3200 facsimile center at (703) 305-3579/3580. The faxing of such documents must conform with the notice published in the Official Gazette, 1096 OG 30 (October 19, 1988). Applicant is reminded to clearly mark any facsimile transmission as "DRAFT" if it is not to be considered as an official response.

14. Any inquiry concerning this communication should be directed to Examiner Tom Hughes at telephone number (703) 308-1806.



S. THOMAS HUGHES
PRIMARY EXAMINER
GROUP 3200

sth

December 10, 1997